

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

ARMANIE HODGES,)
)
 Plaintiff,)
)
 v.) Case No. CIV-21-00292-JD
)
 OKLAHOMA COUNTY JAIL, *et al.*,)
)
 Defendants.)

ORDER

Before the Court is a Report and Recommendation [Doc. No. 5] issued by United States Magistrate Judge Amanda Maxfield Green on May 12, 2021, recommending that Plaintiff's Complaint [Doc. No. 1] be dismissed. Specifically, Judge Green recommended that (1) the Court dismiss Plaintiff's claims against Oklahoma County Detention Center (incorrectly named as Oklahoma County Jail) and Oklahoma City Police Department (incorrectly named as Oklahoma Police Department) with prejudice, and (2) the Court dismiss Plaintiff's remaining claims against Captain/Lieutenant "Carter" and "All Officers" of the Oklahoma City Police Department without prejudice. [Doc. No. 5 at 5]. Judge Green further recommended that Plaintiff's Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] be denied as moot. [Doc. No. 5 at 5].

Judge Green advised Plaintiff that the deadline to file an objection to the Report and Recommendation was June 2, 2021, and that Plaintiff's failure to timely object would waive her right to appellate review of the recommended dismissal. [See Doc. No. 5 at 5].

See also Moore v. United States, 950 F.2d 656, 659 (10th Cir. 1991).

To date, Plaintiff has not filed an objection to the Report and Recommendation or requested an extension of time to do so. The Court notes that the attempt to serve Plaintiff with the Report and Recommendation at her address of record failed. [See Doc. No. 6]. However, Plaintiff is responsible for notifying the Court of any change of address, and “[p]apers sent by the court will be deemed delivered if sent to the last known address given to the court.” LCvR5.4(a); *see Theede v. U.S. Dep’t of Labor*, 172 F.3d 1262, 1267 (10th Cir. 1999) (“The parties are far better situated to know of any errors in their address information, thus, they bear the burden of filing notice of a change of address The fact [plaintiff] is acting pro se does not eliminate this burden.”).

With no objection being filed, the Court ACCEPTS and ADOPTS the Report and Recommendation [Doc. No. 5] in its entirety. Accordingly, the Court DISMISSES Plaintiff’s claims against the Oklahoma County Detention Center (incorrectly named as Oklahoma County Jail) and the Oklahoma City Police Department (incorrectly named as Oklahoma Police Department) with prejudice, and DISMISSES Plaintiff’s claims against Captain/Lieutenant “Carter” and “All Officers” of the Oklahoma City Police Department without prejudice. Plaintiff’s Motion for Leave to Proceed *in forma pauperis* [Doc. No. 2] is DENIED AS MOOT.

IT IS SO ORDERED this 29th day of June 2021.



JODI W. DISHMAN
UNITED STATES DISTRICT JUDGE